

that he does not favor this change. He said he would like it removed. Why then is the majority leadership pursuing this change, when it is opposed by the ranking Republican on the Ethics Committee?

At a time when public confidence in Congress is so low and the Nation faces so many challenges, it is inexplicable that the first order of business in the new session is to water down the ethics rules in the House and make it even more difficult to discipline lawmakers who abuse their office.

This should not be a partisan matter. The proposed rule change harms the integrity and credibility of the House as an institution, and that reflects badly on all of us, Republicans and Democrats alike. I urge all my colleagues to join me in opposing this assault on ethics enforcement in the House.

Mr. BACA. Mr. Speaker, I rise in opposition to the rules package that we have before us today.

It is outrageous that my Republican colleagues have placed before us a rules package that at best lacks integrity, and at worst is completely unethical.

As the highest body of elected officials in our country, we should be held to the highest ethical standards.

But instead, my Republican colleagues have opted to put before us a rules package that actually lowers our ethics standards, so that they may promote their own agenda, at whatever cost.

This rules package makes it far more difficult for ethics investigations to take place. By requiring a majority of the ethics committee before an investigation can even begin, we are in great danger of diminishing the integrity of our great institution.

With this new rule, the majority party can effectively block any ethics investigation of a member of their party. This is an abuse of power.

And it's not just Democrats who oppose this plan. Americans across the country have expressed their opposition to this plan.

My Democratic colleagues and I have a better plan that will strengthen the ethics rules to improve congressional accountability and to make sure that legislation is properly considered.

The Republican plan fails to close a loophole that allows legislation to be considered before members have read it. Last year this led to the passage of a provision that would have let the Federal Government deeply invade citizens' privacy by reading their tax returns. I am appalled that the Republicans have failed to include the Democratic provision to tighten this loophole.

Mr. Speaker, I urge my colleagues to vote "no" on the resolution, so that we do not allow this rules package to become law.

Mr. DREIER. Mr. Speaker, I am inserting for the RECORD the following legislative history regarding the changes made by this resolution to Rule X, along with supporting materials.

LEGISLATIVE HISTORY TO ACCOMPANY  
CHANGES TO RULE X

RULE X AND THE COMMITTEE ON HOMELAND  
SECURITY

*Legislative history*

Overall homeland security policy—The jurisdiction of the Committee on Homeland Security over "overall homeland security policy" is to be interpreted on a government-wide or multi-agency basis similar to the

Committee on Government Reform's jurisdiction over "overall economy, efficiency, and management of government operations and activities. . . ." Surgical addresses of homeland security policy in sundry areas of jurisdiction occupied by other committees would not be referred to the Committee on Homeland Security on the basis of "overall" homeland security policy jurisdiction. For example, the Committee on Homeland Security shall have jurisdiction over a bill coordinating the homeland security efforts by all of the critical infrastructure protection sectors. Jurisdiction over a bill addressing the protection of a particular sector would lie with the committee otherwise having jurisdiction over that sector.

Organization and administration of the Department of Homeland Security—The jurisdiction of the Committee on Homeland Security would apply only to organizational or administrative aspects of the Department where another committee's jurisdiction did not clearly apply. The Committee's jurisdiction is to be confined to organizational and administrative efforts and would not apply to programmatic efforts within the Department of Homeland Security within the jurisdiction of other committees.

Homeland Security Oversight—This would vest the Committee on Homeland Security with oversight jurisdiction over the homeland security community of the United States. Nothing in this clause shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review homeland security activities to the extent that such activity directly affects a matter otherwise within the jurisdiction of that committee.

*Individual committee concerns*

Agriculture—The jurisdiction of the Committee on Homeland Security over "border and port security" shall be limited to agricultural importation and entry inspection activities of the Department of Homeland Security under section 421 of the Homeland Security Act of 2002. The Committee on Agriculture shall retain jurisdiction over animal and plant disease policy including the authority reserved to the Department of Agriculture to regulate policy under section 421 of the Homeland Security Act of 2002, and the Animal Health Protection Act, the Plant Protection Act, the Plant Quarantine Act, and the Agriculture Quarantine Inspection User Fee Account. The Committee on Agriculture shall retain jurisdiction over the agricultural research and diagnosis mission at the Plum Island Animal Disease Center.

Armed Services—The Committee on Armed Services shall retain jurisdiction over warfighting, the military defense of the United States, and other military activities, including any military response to terrorism, pursuant to section 876 of the Homeland Security Act of 2002.

Energy and Commerce—The Committee on Homeland Security shall have jurisdiction over measures that address the Department of Homeland Security's activities for domestic preparedness and collective response to terrorism. The words "to terrorism" require a direct relation to terrorism. The Committee on Homeland Security's jurisdiction over "collective response to terrorism" means that it shall receive referrals of bills addressing the Department of Homeland Security's responsibilities for, and assistance to, first responders as a whole. The Committee on Energy and Commerce (and other relevant committees) shall retain their jurisdiction over bills addressing the separate entities that comprise the first responders. For example, the Committee on Energy and Commerce shall retain its jurisdiction over a bill directing the Department of Health and

Human Services to train emergency medical personnel.

Financial Services—The Committee on Financial Services shall retain jurisdiction over the National Flood Insurance Program and Emergency Food and Shelter Program of FEMA, and the Defense Production Act. The Committee on Financial Services shall retain its jurisdiction over the anti-money laundering, terrorist financing, and anti-counterfeiting activities within the Department of the Treasury and the financial regulators.

Government Reform—The Committee on Homeland Security shall have jurisdiction over "the organization and administration of the Department of Homeland Security." The Committee on Government Reform shall retain jurisdiction over federal civil service, the overall economy, efficiency, and management of government operations and activities, including Federal procurement, and federal paperwork reduction. The Committee on Government Reform shall retain jurisdiction over government-wide information management efforts including the Federal Information Security Management Act. The Committee on Homeland Security shall have jurisdiction over integration, analysis, and dissemination of homeland security information by the Department of Homeland Security, and the Committee on Government Reform shall retain jurisdiction over measures addressing public information and records generally including the Privacy Act and the Freedom of Information Act. The Committee on Government Reform shall have jurisdiction over the policy coordination responsibilities of the Office of Counternarcotics Enforcement.

Intelligence—The Permanent Select Committee on Intelligence shall retain jurisdiction over the intelligence and intelligence-related activities of all departments and agencies of the Federal Government, including the Office of the Director of National Intelligence and the National Counterterrorism Center as defined in the Intelligence Reform and Terrorism Prevention Act of 2004.

Judiciary—The Committee on the Judiciary shall retain jurisdiction over immigration policy and non-border enforcement of the immigration laws. Its jurisdiction over immigration policy shall include matters such as the immigration and naturalization process, numbers of aliens (including immigrants and non-immigrants) allowed, classifications and lengths of allowable stay, the adjudication of immigration petitions and the requirements for the same, the domestic adjudication of immigration petitions and applications submitted to the Department of Labor or the Department of Homeland Security and setting policy with regard to visa issuance and acceptance. Its jurisdiction over non-border enforcement shall be limited to those aspects of immigration enforcement not associated with the immediate entry of individuals into the country, including those aspects of the Bureau of Immigration and Customs Enforcement. The Committee on Homeland Security shall have jurisdiction over border and port security including the immigration responsibilities of inspectors at ports of entry and the border patrol. As used in the new Rule X(1)(1)(9) and this legislative history, the word "immigration" shall be construed to include "naturalization" and no substantive change is intended by the new rule's not containing the word "naturalization."

Science—The Committee on Science shall retain some jurisdiction over the research and development activities of the Department of Homeland Security as such matters are incidental to the Committee on Science's

existing jurisdiction (except where those activities are in the jurisdiction of another committee).

Transportation and Infrastructure—The Committee on Transportation and Infrastructure shall retain jurisdiction over the Coast Guard. However, the Committee on Homeland Security has jurisdiction over port security, and some Coast Guard responsibilities in that area will fall within the jurisdiction of both committees. Jurisdiction over emergency preparedness will be split between the Committee on Transportation and Infrastructure and the Committee on Homeland Security. The Committee on Transportation and Infrastructure shall retain its jurisdiction under clause 1(r)(2) over “federal management of emergencies and natural disasters.” This means that the committee retains its general jurisdiction over the emergency preparedness and response operations of the Federal Emergency Management Agency (FEMA). Bills addressing FEMA’s general preparation for disaster from any cause shall be referred to the Committee on Transportation and Infrastructure. The Committee on Homeland Security shall have jurisdiction over the Department of Homeland Security’s responsibilities with regard to emergency preparedness only as they relate to acts of terrorism. Thus, the Committee on Homeland Security shall have jurisdiction over the responsibilities of the Office for Domestic Preparedness, in accordance with section 430 of the Homeland Security Act of 2002.

As indicated earlier, the Committee on Homeland Security’s jurisdiction over “collective response to terrorism” means that it would receive referrals of bills addressing the Department of Homeland Security’s responsibilities for, and assistance to, first responders as a whole and not over measures addressing first responder communities individually.

The Committee on Homeland Security shall have jurisdiction over the functions of the Department of Homeland Security relating to transportation security, while the Committee on Transportation and Infrastructure shall retain its jurisdiction over transportation safety. In general, the Committee on Homeland Security would have jurisdiction over bills addressing the Transportation Security Administration and the Committee on Transportation and Infrastructure would have jurisdiction over bills addressing the various entities within the Department of Transportation having responsibility for transportation safety, such as the Federal Aviation Administration and the Federal Motor Carrier Safety Administration. The jurisdiction of the Committee on Homeland Security does not include expenditures from trust funds under the jurisdiction of other committees, including but not limited to the Highway Trust Fund, the Airport and Airway Trust Fund, the Harbor Maintenance Trust Fund, the Federal Buildings Fund, and the Inland Waterways Trust Fund.

Ways and Means—The jurisdiction of the Committee on Ways and Means over “customs revenue” is intended to include those functions contemplated in section 412(b)(2) of the Homeland Security Act of 2002 and includes those functions as carried out in collection districts and ports of entry and delivery.

SECRETARY OF THE TREASURY,

*Date: May 15, 2003.*

SUBJECT: Delegation from the Secretary of the Treasury to the Secretary of Homeland Security of general authority over Customs revenue functions vested in the Secretary of the Treasury as set forth in the Homeland Security Act of 2002.

By virtue of the authority vested in me as the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b) and section 412 of the Homeland Security Act of 2002 (Pub. L. 107-296) (Act), it is hereby ordered:

1. Consistent with the transfer of the functions, personnel, assets, and liabilities of the United States Customs Service to the Department of Homeland Security as set forth in section 403(1) of the Act, there is hereby delegated to the Secretary of Homeland Security the authority related to the Customs revenue functions vested in the Secretary of the Treasury as set forth in sections 412 and 415 of the Act, subject to the following exceptions and to paragraph 6 of this Delegation of Authority:

(a)(i) The Secretary of the Treasury retains the sole authority to approve any regulations concerning import quotas or trade bans, user fees, marking, labeling, copyright and trademark enforcement, and the completion of entry or substance of entry summary including duty assessment and collection, classification, valuation, application of the U.S. Harmonized Tariff Schedules, eligibility or requirements for preferential trade programs, and the establishment of record-keeping requirements relating thereto. The Secretary of Homeland Security shall provide a copy of all regulations so approved to the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance every six months.

(ii) The Secretary of the Treasury shall retain the authority to review, modify, or revoke any determination or ruling that falls within the criteria set forth in paragraph 1(a)(i), and that is under consideration pursuant to the procedures set forth in sections 516 and 625(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516 and 1625(c)). The Secretary of Homeland Security periodically shall identify and describe for the Secretary of the Treasury such determinations and rulings that are under consideration under sections 516 and 625(c) of the Tariff Act of 1930, as amended, in an appropriate and timely manner, with consultation as necessary, prior to the Secretary of Homeland Security’s exercise of such authority. The Secretary of Homeland Security shall provide a copy of these identifications and descriptions so made the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance every six months. The Secretary of the Treasury shall list any case where Treasury modified or revoked such a determination or ruling.

(b) Paragraph 1(a) notwithstanding, if the Secretary of Homeland Security finds an overriding, immediate, and extraordinary security threat to public health and safety, the Secretary of Homeland Security may take action described in paragraph 1(a) without the prior approval of the Secretary of the Treasury. However, immediately after taking any such action, the Secretary of Homeland Security shall certify in writing to the Secretary of the Treasury and to the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance the specific reasons therefor. The action shall terminate within 14 days or as long as the overriding, immediate, and extraordinary security threat exists, whichever is shorter, unless the Secretary of the Treasury approves the continued action and provides notice of such approval to the Secretary of Homeland Security.

(c) The Advisory Committee on Commercial Operations of the Customs Service (COAC) shall be jointly appointed by the Secretary of the Treasury and the Secretary of Homeland Security. Meetings of COAC

shall be presided over jointly by the Secretary of the Treasury and the Secretary of Homeland Security. The COAC shall advise the Secretary of the Treasury and the Secretary of Homeland Security jointly.

2. Any references in this Delegation of Authority to the Secretary of the Treasury or the Secretary of Homeland Security are deemed to include their respective delegates, if any.

3. This Delegation of Authority is not intended to create or confer any right, privilege, or benefit on any private person, including any person in litigation with the United States.

4. Treasury Order No. 165-09, “Maintenance of delegation in respect to general authority over Customs Revenue functions vested in the Secretary of the Treasury, as set forth and defined in the Homeland Security Act of 2002,” dated February 28, 2003, is rescinded. To this extent this Delegation of Authority requires any revocation of any other prior Order or Directive of the Secretary of the Treasury, such prior Order or Directive is hereby revoked.

5. This Delegation of Authority is effective May 14, 2003. This Delegation is subject to review on May 14, 2004. By March 15, 2004, the Secretary of the Treasury and the Secretary of Homeland Security shall consult with the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance to discuss the upcoming review of this Delegation.

6. The Secretary of the Treasury reserves the right to rescind or modify this Delegation of Authority, promulgate regulations, or exercise authority at any time based upon the statutory authority reserved to the Secretary by the Act.

JOHN W. SNOW,  
*Secretary of the Treasury.*

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to H. Res. 5, to the Republican rules package. Specifically, I oppose the proposed changes to rule X, which among other things creates a permanent standing Committee on Homeland Security and grants legislative jurisdiction to that committee. I am not opposed to the creation of a permanent Homeland Security Committee. Indeed, I believe that the Homeland Security Committee should be made permanent and should be granted jurisdiction over the overall homeland security policy of the Federal Government. Further, I believe that a Homeland Security Committee is needed to oversee the internal administration of such a large Federal agency as the Department of Homeland Security, DHS, which has over 180,000 employees.

Although H. Res. 5 includes these provisions, I oppose its grant of legislative jurisdiction to the new committee of areas that have previously been the jurisdiction of other committees. I oppose this grant of jurisdiction, not because of some desire to protect existing committees’ “turf”, but because transfer of these security issues to a new committee divests from the responsibility for those issues from those Members who have substantial experience and expertise—in some cases developed through decades of work—on them. The existing committees are best equipped to give the full House the benefit of carefully thought out recommendations that provide effective security without unnecessary risks to safety or economic efficiency. It will take years for a new committee to be able to develop the expertise to provide the House and the Nation with reports and recommendations of the quality that existing committees provide.